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8 Attorney for Defendant
9 KENNETH O'NEIL

10 IN THE UNITED STATES DISTRICT COURT FOR THE
11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,) No. 2:21-cr-0115 DAD
13 Plaintiff,)
14 v.) STIPULATION TO CONTINUE JUDGMENT
15) AND SENTENCING, NEW DISCLOSURE
16) DATES; FINDINGS AND ORDER
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STIPULATION

Plaintiff United States of America, by and through its counsel of record Assistant United States Attorney DAVID SPENCER, and the Defendant, KENNETH O'NEIL, by and through his counsel of record TASHA PARIS CHALFANT, hereby stipulate and request that the Court make the following findings and Order as follows:

1. By previous order, this matter was set for judgment and sentencing on June 27, 2023.

2. By this stipulation, the defendant now moves to continue the judgment and sentencing until August 15, 2023. We also agree to set new disclosure dates. Plaintiff does not

STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE OF JUDGMENT AND SENTENCING
AND NEW DISCLOSURE DATES

oppose this request and neither does probation.

3. The parties agree and stipulate, and request that the Court find the following:

a. At the change of plea hearing, the government and defense counsel agreed upon the June 27, 2023 date for J&S. Since then, probation and defense counsel have worked to conduct the PSR interview with Mr. O’Neil via Zoom at the Yuba County Jail. We finally accomplished the PSR interview, however, it was too late for probation to prepare the draft pre-sentence report on time. Defense counsel, the government and probation have all discussed the mutually agreeable date for sentencing as well as new disclosure dates:

Judgment and Sentencing: 08/15/23

Reply, or Statement of Non-Opposition: 08/08/23

Formal Objections to the Pre-sentence report: 08/01/23

Final Pre-sentence report: 07/25/23

Informal Objections to the Pre-sentence report: 07/18/23

Draft Pre-sentence report disclosed to counsel by: 07/04/23

b. Counsel for the defendant desires additional time to prepare for judgement and sentencing.

c. The government does not object to the continuance and neither does probation.

All counsel has reviewed this proposed order and authorized Tasha Paris Chalfant to sign it on their behalf.

IT IS SO STIPULATED.

Dated: May 23, 2023

by: /s/Tasha Chalfant for
DAVID SPENCER
Assistant U.S. Attorney
Attorney for Plaintiff

**STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE OF JUDGMENT AND SENTENCING
AND NEW DISCLOSURE DATES**

1 Dated: May 23, 2023

2 by: /s/Tasha Chalfant
3 TASHA CHALFANT
Attorney for Defendant
KENNETH O'NEIL

7 **O R D E R**

8 The Court, having received, read, and considered the stipulation of the parties, and good
9 cause appearing therefrom, adopts the stipulation of the parties in its entirety as its order. Based
10 on the stipulation of the parties and the recitation of facts contained therein, the Court finds that
11 the failure to grant a continuance in this case would deny defense counsel reasonable time
12 necessary for effective preparation, taking into account the exercise of due diligence.

13 The Court orders that the presently set June 27, 2023, judgment and sentencing shall be
14 continued to August 15, 2023, at 9:30 a.m. The Court also orders the following disclosure
15 deadlines:

16 Judgment and Sentencing: 08/15/23
17 Reply, or Statement of Non-Opposition: 08/08/23
18 Formal Objections to the Pre-sentence report: 08/01/23
19 Final Pre-sentence report: 07/25/23
20 Informal Objections to the Pre-sentence report: 07/18/23
21 Draft Pre-sentence report disclosed to counsel by: 07/04/23

22
23 IT IS SO ORDERED.

24 Dated: May 24, 2023

25 
26 UNITED STATES DISTRICT JUDGE

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28 STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE OF JUDGMENT AND SENTENCING
AND NEW DISCLOSURE DATES